DOCUMENTS RELATIVE TO THE COMMENCEMENT AND PROGRESS OF ANY ACTS OR SYSTEM OF RETALIATION UPON PRISONERS BY THE GOVERNMENT OF GREAT BRITAIN AND THE UNITED STATES

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

DOCUMENTS RELATIVE

TO THE

COMMENCEMENT AND PROGRESS

OF

ANY ACTS OR SYSTEM OF RETALIATION

UPON

PRISONERS OF WAR,

BY THE

GOVERNMENTS OF GREAT BRITAIN AND THE U. STATES.

OCTOBER 28, 1814.

Read, and referred to the committee on foreign relations.

WASHINGTON:

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1814.

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MESSAGE.

To the House of Representatives of the United States.

I transmit to the house of representatives a report from the department of state, complying with their resolution of the 15th instant.

JAMES MADISON.

October 28, 1814.

REPORT.

DEPARTMENT OF STATE,
October 27, 1814.

The acting secretary of state, to whom was referred the resolution of the house of representatives of the 15th instant, has the honor of submitting to the president the accompanying papers marked Nos. 1, 2, 3 and 4, as containing the information which is presumed to be called for by the said resolution.

Respectfully submitted.

JAMES MONROE.

The President of the United States.

DOCUMENTS.

No. 1.

Extract of a letter from Reuben G. Beasley, esq. to the commissary general of prisoners, dated

London, March 18, 1814.

"Having had several conversations on the subject of retaliation, previous to the receipt of your letters of the 6th and 9th of January, I took the earliest occasion to communicate the information they contained .On the 19th ultimo, I addressed a letter to the transport board on the subject, a copy of which I have now the honor to inclose. Although I have received no reply to this letter, I have the satisfaction to inform you that I have been assured by the secretary of the board, and have found the fact confirmed by my own observation, that the treatment of the individuals sent to this country for trial, has in no respect been different from that of the other prisoners of war."

Mr. Beasley to the secretary of the transport board.

Hartley street, February 19, 1814.

SIR,

In consequence of the wish which you verbally expressed to me yesterday, I now present to the board, in the form in which it has been communicated to me by the commissary general of prisoners of the United States. a statement of the various measures of retaliation which have been forced on the American government by the unwarrantable acts of British officers. I the more readily comply with this wish, because it

will lead to a proper understanding on the subject, and I persuade myself it will be followed by measures on the part of the British government, which will not only relieve the suffering individuals, but put an end to the proceedings, the very idea of which is so painful to every generous and humane feeling. I begin in the order in which they occurred.

(Here follows the statement extracted from general Mason's letter of the 6th January, 1814.*)

To the foregoing I have to add, that information has been received by the commissary general that the British commanding officer at Halifax had confined there 64 American officers, with intention to make the number 92, in retaliation for the 46 British officers confined by the American government. As soon as this should be officially communicated to the government, a correspondent and effectual measure would be adopted in the United States.

In this statement and the documents which accompany it, will be found the disposition and sentiments of the American government. It will be seen that this system was not begun by the United States. Prompt in the discharge of the duty they owe to their citizens, they have constantly lamented the necessity of the measures imposed on them, and have on every occasion shewn, as you will see exemplified in the first, second, third and fourth acts above recited, that the moment the necessity of detention ceased to exist, the persons confined have been released.

The British agent in the United States, who has been regularly informed of every circumstance relative to this unpleasant subject, will no doubt have done the American government the justice to say, that the sufferings of the individuals concerned have at all times been as little as the nature of the case would admit.

* This statement contained the substance of the cases to be found in the report of the secretary of state of the 14th of April, 1814, printed by order of the senate, from page 13 to 172.

It has been thought extraordinary that contrary to the stipulations of the cartel, American prisoners have been sent to this country from Canada. This measure was strongly remonstrated against to colonel Barclay some time ago; but so far from having produced the desired effect, it has been continued under circumstances of the greatest hardship and suffering. About 400 of these persons, many of whom had never before been at sea, were hurried on board ship without the least previous notice to provide themselves with necessaries; and in that situation exposed to a boisterous winter passage. The government of the U. States has sought in vain for a legitimate motive for this conduct, which will necessarily lead to a corresponding measure of severity if not satisfactorily explained.

I am instructed to make inquiry relative to the situation of all the prisoners who have from time to time been sent to this country; and to give information of the places of confinement and treatment of those who were sent here for trial.

I have to remark, that while the British prisoners in the United States have been treated in exact conformity to the stipulations contained in the cartel, no change whatever has been made in the treatment of American prisoners in close confinement, nor has any satisfactory reason been given why they have not been placed on the same footing.

The situation of the British officers who are held in the United States as hostages to answer in their persons for the safety and proper treatment of the American prisoners, will be found described in the extract of a letter herewith transmitted, dated 13th December, 1813, and it will continue the same while it is understood that American officers in the hands of the British government meet with similar treatment.

I am, sir,

Your most obedient servant,

(Signed) R. G. BEASLEY.

Alexander M'Leay, esq. &c.

No. 2.

Extracts of a letter of instructions from the secretary of state to colonel Tobias Lear, appointed to negotiate, on the part of the United States, an exchange of prisoners of war, with sir George Prevost, dated

Washington, June 27, 1814.

"On the subject of hostages, if any are retained on either side, it cannot be admitted, that a number of prisoners shall be left in the hands of the enemy in that state, or in any other, different from the ordinary state of prisoners of war, greater than shall be held by us to answer for their proper treatment and safety."

"You are not unacquainted with the cause which induced the government to designate certain persons, prisoners of war, in our possession, to abide the fate of such American prisoners of war as the enemy had thought proper to separate from their comrades, and to transport, under severe and ignominious confinement, to England, for trial as traitors. While this treatment continued, and while there was a probability of the threatened trial and punishment, this government could not and would not have relaxed in the measures it had adopted. Information, however, having been recently received from Mr. Beasley, American agent for prisoners at London, dated on the 18th day of March last, by which it is known, that he had received assurances, and that he was satisfied of the fact, that the treatment of the individuals sent to that country, avowedly for trial, has been in no respect different from that of other prisoners of war. The President has been induced to hope, from this circumstance, as well as from the length of time which has elapsed since these persons have been in England, without having been brought to trial, that it is not the intention of the British government to

take a step which would inevitably involve consequences shocking to humanity; and sincerely desirous of lessening, as much as possible, the sufferings of individuals on both sides, he has determined, that, reserving to the government the full right of replacing the hostages who may have been designated here, and retaining the power to do so, such of the prisoners taken from the command of sir George Prevost, as have been so designated, may be now exchanged. You are accordingly authorized to stipulate that the proposed release and exchange shall be without distinction of hostages, taking care that it shall be reciprocal, and that a special reservation be made of the right, which may be common, to replace them, whenever it is deemed proper to do so."

No. 3.

Extracts of such parts of a convention, for the exchange of prisoners of war, proposed on the 15th April, 1814, and of the instrument, by which it was modified, and finally agreed upon, on the 16th July following, between agents duly authorized by the secretary of state of the United States, on the one part, and sir George Prevost, commander in chief of the British forces in the Canadas, on the other, as relates to those who had been on either side confined under the system of retaliation.

Extracts of the convention of the 15th April.

Article I. It is mutually stipulated and agreed, that all the persons belonging to the army, navy, or militia, of the united kingdom of Great Britain and Ireland, or the provinces or dependencies thereof, under the command, authority, and jurisdiction of his

excellency sir George Prevost, or any subjects or residents thereof, within the same command, authority, and jurisdiction, who may have been made captives during the present war, under and by the command and authority of the government of the United States, and also all persons belonging to the navy, army, or militia, of the United States, or any of them, or the territories thereof, or citizens or residents of the same, or any of them, who may have been made captives, during the present war, by and under the command and authority of sir George Prevost aforesaid; and which said persons, so respectively captured, are now held in confinement by the said respective parties, either as prisoners of war, hostages, or otherwise, shall be mutually and respectively forthwith released from confinement, and sent or permitted to proceed to the United States or Canada, respectively, in the manner hereinafter pointed out, with as little delay as may be, saving and excepting always the first three and twenty men first put into confinement on principles of retaliation, as hostages, by the United States, and the officers and non-commissioned officers put into confinement by his excellency sir George Prevost, in retaliation for the confinement of said twenty-three men, private soldiers.

Article IX. It is further mutually agreed, that all the persons thus released, and sent or permitted to return to their respective countries, who are now in Lower Canada, or on the eastern side of the Alleghaney mountains in the United States, and also all prisoners of war who are now on parole or otherwise in their respective countries, be and the same are hereby declared to be exchanged, and that they and every of them, from and after the 15th May next, shall be perfectly and entirely free to enter and engage in the military, naval, or other service of their respective countries, as if they never had been prisoners of war and hostages; and in like manner all

the said persons who are on the western side of the Alleghaney mountains in the United States, and those who are in or near Halifax, or in Nova Scotia, and who were captured by and under the command of sir George Prevost, shall be and are hereby declared exchanged and at liberty to enter into the naval, military, or other service of their respective countries, as if they had never been made prisoners of war and hostages.

Article XII. It is further mutually agreed and expressly understood, that nothing herein contained is intended or shall in any manner prevent or hinder either party from resorting to retaliation, or replacing said hostages, whenever either may deem it proper, for the past or any future act or conduct of the opposite party.

Extracts of the instrument of modification and ratification of the 16th July.

Preamble.—"The following modifications of the said convention of the 15th April last, have been agreed to; in consequence of which, the same is hereby ratified and confirmed, on the part of the United States, in virtue of the full powers given to the aforesaid Tobias Lear, the same having been before ratified by his excellency sir George Prevost," &c.

"Article I. The twenty-three British soldiers put into confinement as hostages by the United States, and the forty-six American commissioned and non-commissioned officers put in confinement by his excellency sir George Prevost, in retaliation for the confinement of the said twenty-three soldiers, as mentioned in the first article of the aforesaid convention, are to be immediately released and exchanged, in the same manner as other prisoners of war mentioned in said article.

"Article II. All accounts of exchange, relative to prisoners of war, officers, non-commissioned officers, and privates, of the army, navy, and militia, of the government of Great Britain, and of the United States of America, and of all other persons, subjects or residents of the one, or citizens or residents of the other, captured by the forces under the command of sir George Prevost, or from his command or authority, during the present war between Great Britain and the United States, prior to the fifteenth of April last, and for the release and exchange of whom it is stipulated, by the ninth article of the aforesaid convention of the 15th April aforesaid, and the twenty-three and forty-six hostages, before mentioned, are by this present modification definitively liquidated and settled, without either party having any pretension or right to any claim therein hereafter."

No. 4.

Extract of a letter from colonel Thomas Barclay, to the commissary general of prisoners, dated at

Bladensburg, 14th June 1814.

"Should there be any British prisoners of war remaining in these states from New York, eastward, permit me to recommend their being released, and sent in the Matilda cartel, lately arrived at Salem, with American prisoners. In the number I hope you will include all those now held as hostages, and beg leave to assure you, I have recommended to the admiral and general, the release of all Americans held on similar principles, to the state of ordinary prisoners; and that Mr. Mitchell be informed, he is at liberty to elect them to be sent to these states, in return for British prisoners received."

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated June 21st, 1814, in answer to colonel Barclay's letter of June 14, 1814.

"On the subject of hostages, I will cheerfully direct to be released and sent to Halifax, any such as we now hold on the maritime frontier of Massachusetts; if you will engage that the persons at Halifax, on whose account they were confined, shall be immediately released and returned to the United States. I believe there are but sixteen of that description, whose names are enclosed. The few then remaining, with the desire to meet the relaxation proposed by you, I will direct to be confined with other non-paroled prisoners, on board the prison ship at Salem."

Bladensburg, June 21, 1814.

SIR,

I had hoped, in consequence of my having acquainted you I had recommended the naval and military commanders at Halifax to release to the state of ordinary prisoners all the Americans then held on retaliatory principles, that this government would have been induced to adopt a similar conciliatory measure, and thereby relieve the unfortunate men who have been so unpleasantly situated. You will by a re-perusal of my late letters on this subject, perceive the unpleasant consequences to which his majesty's government will be driven, if the acts above mentioned on the part of his majesty do not meet a corresponding conduct on the part of this government.

Mr. Prince, the marshal of Massachusetts, has informed Mr. Simpson, that you have directed him to retain eighteen British prisoners as hostages, for a

like number of men, part of the 101 American prisoners sent last autumn to England.

On the 14th instant, I requested you to inform me, whether you would consent that all the British prisoners who might remain in the eastern states after the departure of the Perseverance cartel to Halifax, should be sent in the Madilda cartel for Halifax, for whom I would order an equivalent to be returned. A measure of this nature must prove equally advantageous to both nations. Permit me to request your answer, and if it is the determination of this government to hold any British subjects as hostages, that you will favor me with a list of their names, the persons they are held for, and the places of confinement.

I have the honor to be,

Sir,

Your obedient servant.

(Signed) THOMAS BARCLAY.

General Mason, &c. &c.

Extract of a letter from colonel Thomas Barclay to the commissiary general of prisoners, dated at

Bladensburg, June 22d, 1814.

"SIR,

"I am this moment honored with your letter of yesterday."

"I am pleased with your consenting to send all the British prisoners remaining in the eastern states to Halifax, and that the hostages are to be included. I have repeatedly informed you, that I had requested every American prisoner held as an hostage at Halifax, should be released to the state of ordinary prisoners, and that Mr. Mitchell should be at liberty to select whom he pleased in making up the equivalent to be sent from Halifax. I will be answerable

that the above is carried into effect, and that an equivalent, under Mr. Mitchells' election, is immediately sent from Halifax to Salem, in return for the men whom the Matilda carries from Salem."

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated at

Washington, June 22, 1814.

"I have received your letters of this date, and of the 21st instant. I shall in consequence of your engagement in that of the 22d instant, and in compliance with the terms of mine, of yesterday, by the mail made up to-day, instruct Mr. Prince to collect all the prisoners he can in a reasonable time and send by the cartel Matilda, and such hostages as have been designated in retaliation against American prisoners confined at Halifax."

"The other hostages designated for American prisoners sent to England, will be placed in the ordinary state of non-parolled prisoners, and those at Fort Sewall removed to the prison ship at Salem for that purpose."

Bladensburg, August 9, 1814.

SIR,

I had hoped in consequence of my several letters to you on the subject of retaliation, and the release of all the American prisoners held as hostages in his majesty's dominions under retaliatory orders, of which I have given you notice. that this government would have been induced to follow the example,

and place in the ordinary state of prisoners, ready for release and exchange, the few Brtish prisoners named at the foot of this letter who are still held in confinement as hostages.

I request you will be pleased to inform me, whether it is the intention of this government to continue these unfortunate men in prison as hostages, and to withhold their release and exchange; and I beg leave to add, that if this is the case double the number of American prisoners will once more be placed in a similar state of confinement in retaliation for these men.

I have the honor to be,
Sir,
Your obedient servant,

(Signed) THOMAS BARCLAY.

General Mason, &c. &c.

List of Prisoners referred to in the preceding letter.

IN MASSACHUSETTS.

John Price,
R. Robertson,
John Anderson
John Eagan,
James Dawson,
Henry Beddingfield,
William Kitts.

IN RHODE ISLAND.

William Lincoln.

Extract of a letter from the commissary-general of prisoners to colonel Thomas Barclay, dated

August 12, 1814.

SIR,

In reply to your letter of the 9th inst. I shall pass over the terms in which you have thought proper to convey part of that letter, with the remark, that after the manner in which the subject of hostages had been treated in your letter of the 14th of June, and mine of the 21st and 22d of the same month; considering the information I had given you in my letter of the 20th of May, of the relaxation which had taken place in the condition of the twenty-three hostages in our power at Greenbush, and the cause of it, and the communication I had made you as late as the 28th ultimo, of the convention concluded with sir George Prevost, by which these and all other hostages appertaining to the class of prisoners captured by or from his command, were released and finally exchanged; it could not have been expected, when you thought proper to make further inquiry as to the situation of those persons yet remaining in our possession, who had been hostages, and the intention of the government toward them, you should have then resorted to the same declaration of consequences, conveyed in terms amounting to a threat, which you had been informed in the letter I addressed to you on the 11th of June, on a former occasion, was unavailing, and had been considered exceptionable.

In my letter of the 22d of June, I informed you, that those who had been hostages, and not sent for exchange by the cartel then in port, should be restored to the ordinary state of prisoners. Why, then, unless you were well assured that this had not been done, do you say in yours of the 9th instant, you had hoped that the American government would have been induced to follow the example of your government? The fact is, at this time there is no Bri-

tish prisoner in this country in any other situation.—The order to that effect went from this office on the 22d of June, as to the prisoners in Massuchetts, and on the 19th of July as to one (William Lincoln) in Rhode Island. The copy of my letter to the marshal of that state, now sent, will explain the cause of his confinement being thus much lengthened, namely, his attempt to escape.

The reasons which determined this government to relax in the mode of treatment toward hostages, are detailed in that letter, and were the same which induced it to accept a proposition, on the part of sir George Prevost, to include all hostages on both sides in the general exchange of prisoners made with him, with the reservation of the right to replace them with others, should it from any change of circumstances be deemed necessary. These reasons, to wit: Information from our agent in London, that the American prisoners sent to England for trial were not then confined or treated otherwise than ordinary prisoners, operating generally, so soon as they had been acted on in the exchange of part of the hostages, held by us in the quarter just mentioned, produced instructions from this office to put on the same footing "the persons heretofore designated as hostages of the maritime class, and to hold them ready for exchange: they are accordingly now so held."

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